

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MININGMODIFICATION OF ATTACHMENT A
TO THE
RECLAMATION CONTRACTName of Operator: Wasatch Mountain ExcavatingPermit Number: S/049/050Mine Name: Elite Rock WestPhone Number: (801)296-0112

Per the executed reclamation contract, the surety agreement for reclamation obligation is included as Attachment A to the reclamation contract as follows:

Check the boxes that apply to this form:

Surety: ☐ Decrease
☒ Increase
☐ Replacement

Reason: ☒ Amendment to NOI
☐ Cancellation/ Termination of surety
☐ Escalation
☐ Partial Release of surety
☐ Other
Explain:

Surety Dollar Amount Associated With This Action: \$10,000.00Surety Aggregate Amount: \$20,000.00

Included in this modification (surety must be attached)

Instrument(s):

☐ Corporate Surety
☐ LOC Letter of Credit
☒ CD Certificate of deposit
☐ Cash☐ Rider
☐ Amendment
☐ Addendum
☒ OtherExplain: CD # in the amount of \$10,000

Other surety not affected by this modification will remain part of Attachment A and labeled as such.
This Modification will be effective as of the last date signed below

[Signature] Brett Bryson President
Authorized Officer Signature Printed Title
[Signature]
Division Director John R. Baza
Utah Division of Oil, Gas and Mining

RECEIVED
JAN 22 2009

1/15/09
Date
2/11/09
Date

DIV. OF OIL, GAS & MINING



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

Date 1/7/2009

Barnes Banking Company

100 S 500 W

Bountiful Utah 84010

Attention: Charese Phillips____ Commercial Loan Officer 801-296-1010 Cphillips@BarnesBank.com

Subject: Reclamation Surety, Certificate of Deposit for Wasatch Mountain Excavation,
Elite Rock West____ Mine Site, S0490050 ,
Utah County, Utah

Certificate of Deposit number _____; Principal Amount \$ 10,000

This letter describes the mutually agreed upon instructions of the below signed parties to
Barnes Banking Company, regarding the control, redemption, and release of Bank's above-described certificate of deposit ("CD"), which is being used as a surety to guarantee the availability of reclamation funds for the Elite Rock West____ mine site, Utah County, Utah. It is the intention of the parties that the CD be utilized as surety to guarantee that \$10,000 _____ in reclamation funds will be available to the State of Utah, Division of Oil, Gas & Mining ("Division") upon demand in the event that the operator(s) of the Mine Site are unable or unwilling to complete reclamation of the mine site in compliance with applicable state law and regulations.

Ownership and Renewal:

Ownership of the CD is retained by Wasatch Mountain Excavation, a S corporation, ("Owners"), but it is held by Bank for the benefit of the State of Utah, Division of Oil, Gas & Mining and is subject to the terms and conditions described in this agreement. The CD shall automatically renew indefinitely until either redeemed or released by the Director of the Division. The Division may request CD information on an occasional basis. This letter grants approval by Wasatch Mountain Excavation for the bank to

provide CD information to the Division any time an inquiry is made via telephone, email, or letter.

Redemption:


The CD may only be redeemed (i.e., called on demand), pursuant to the written instruction or demand of the Director of the Utah Division of Oil, Gas & Mining to the Bank. Upon the instruction and demand of the Director, the full initial amount of the CD shall be transferred to the State of Utah, Division of Oil, Gas and Mining. Owners agree and irrevocably instruct Bank that neither the Owner(s), nor any other person claiming an ownership interest in the CD which is derived from the Owners, shall have the authority to prevent the Bank from carrying out the Director's instruction to redeem the CD. Upon redemption, any accrued interest in excess of the initial amount of the CD shall be transferred to Owners' control, or if Owners do not instruct the Bank, the accrued interest shall be reinvested in the CD. If a signature card is prepared, it shall be drafted consistent with the requirement that only the Director of the Division may redeem the CD.

Release:

The Bank shall release the CD only upon the written instruction of the Director of the Division to the Bank. Upon release, the terms and conditions of this agreement are no longer in effect, and the unconditioned control of the CD shall be returned to the Owners, or their legal successors-in-interest. In the event of Bank cancellation/termination of the Certificate of Deposit, the Division may transfer the certificate of deposit monies into a state managed cash account to assure or complete reclamation if the Operator does not replace the Certificate of Deposit within the ninety days of Bank cancellation/termination notice. If the Bank is under a forced cancellation/termination, the Bank agrees to transfer or release the CD funds to a state managed cash account at the Division's request.

Accrued Interest:

Prior to release or redemption, all interest which accrues by the CD shall be 1) dispersed quarterly to the Owner(s) as the Owner(s) may instruct the Bank, or 2) shall be reinvested in the CD until such time the

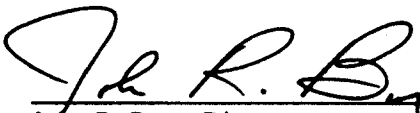


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Subject:

Owner(s) may instruct the Bank where to transfer such interest. In no event shall the Bank transfer any amount from the CD which would cause the redemption amount of the CD to be less than the initial amount, \$10,000. All tax liabilities for accrued interest shall remain the sole responsibility of the Owners.

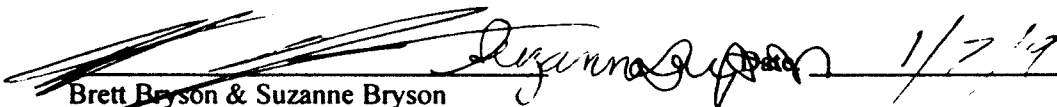
Bank will not be held liable for any dispute between the parties.

Agreed Upon By:

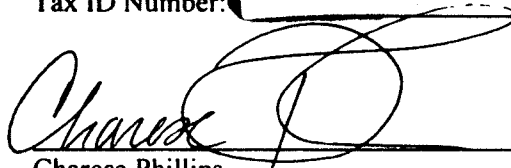


John R. Baza, Director
Utah Division of Oil, Gas & Mining

Date: 2/11/09



Brett Bryson & Suzanne Bryson
Wasatch Mountain Excavation
Tax ID Number: ()



Charese Phillips
Barnes Banking Company

Date: 1-7-09



Barnes Banking Co. - Since 1891

Bountiful • Kaysville • Layton • Midvale • Orem • Roy • Salt Lake • South Ogden • St. George • Syracuse
Bank Online at: barnesbank.com

01/07/2009 3:05 PM
Br BOUNTIFUL Tr# 1871 Seq# 30
Account
CD Deposit 10,000.00



THANK YOU FOR CHOOSING BARNES BANKING CO.
All items received are credited to your account subject to final payment.

BARNES BANKING COMPANY
100 S 500 W
BOUNTIFUL UT 84010.

OWNERSHIP OF ACCOUNT - CONSUMER PURPOSE

- ☐ INDIVIDUAL ☐ _____
☐ JOINT - WITH SURVIVORSHIP (and not as tenants in common)
☐ JOINT - NO SURVIVORSHIP (as tenants in common)
☐ TRUST - SEPARATE AGREEMENT: _____

☐ REVOCABLE TRUST OR ☐ PAY-ON-DEATH
DESIGNATION AS DEFINED IN THIS AGREEMENT
Name and Address of Beneficiaries: _____

OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE

- ☐ SOLE PROPRIETORSHIP
☐ CORPORATION: ☐ FOR PROFIT ☐ NOT FOR PROFIT
☐ PARTNERSHIP
☒ CITY-COUNTY-SCHOOLS-TOWNSHIPS

BUSINESS: _____
COUNTY & STATE: _____
OF ORGANIZATION: _____
AUTHORIZATION DATED: _____

DATE OPENED 01/07/2009 BY COOPER FRANSEN

INITIAL DEPOSIT \$ 10,000.00

☐ CASH ☐ CHECK ☒ New Money

HOME TELEPHONE # _____

BUSINESS PHONE # (801) 296-0112

DRIVER'S LICENSE # _____

E-MAIL _____

EMPLOYER _____

MOTHER'S MAIDEN NAME _____

Name and address of someone who will always know your location: _____

BACKUP WITHHOLDING CERTIFICATIONS

TIN: _____

☒ **TAXPAYER I.D. NUMBER** - The Taxpayer Identification Number shown above (TIN) is my correct taxpayer identification number.

☒ **BACKUP WITHHOLDING** - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.

☐ **EXEMPT RECIPIENTS** - I am an exempt recipient under the Internal Revenue Service Regulations.

SIGNATURE: I certify under penalties of perjury the statements checked in this section and that I am a U.S. person (including a U.S. resident alien).

X WASATCH MOUNTAIN EXCAVATING IN (Date)

ACCOUNT NUMBER Acct: _____ Port: 107784

ACCOUNT OWNER(S) NAME & ADDRESS
WASATCH MOUNTAIN EXCAVATING IN
FBO STATE OF UTAH DIVISION OF
OIL, GAS, AND MINING
1065 N MAIN ST STE 1
NORTH SALT LAKE, UT 84054-2169

☒ NEW ☐ EXISTING
☐ CHECKING ☐ SAVINGS
☐ MONEY MARKET ☒ CERTIFICATE OF DEPOSIT
☐ NOW ☐ _____

This is your (check one): 01 BUSINESS CERTIFICATE1

☒ Permanent ☐ Temporary account agreement.

FACSIMILE SIGNATURE(S) ALLOWED? ☐ YES ☒ NO

[X]

SIGNATURE(S) - The undersigned agree to the terms stated on every page of this form and acknowledge receipt of a completed copy. The undersigned further authorize the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledge the receipt of a copy and agree to the terms of the following disclosure(s):

- ☐ Deposit Account ☒ Funds Availability ☒ Truth in Savings
☒ Electronic Fund Transfers ☒ Privacy ☒ Substitute Checks
☒ SCHEDULE OF ACCOUNT FEES AND CHARGES

(1): [X]
WASATCH MOUNTAIN EXCAVATING IN
I.D. # 84-1424808 D.O.B. _____

(2): [X]
BRETT RAY BEYSON
I.D. # 529-67-2718 D.O.B. 07/21/1973

(3): [X]
I.D. # _____ D.O.B. _____

(4): [X]
I.D. # _____ D.O.B. _____

☐ Agent (Individual Accounts Only)

[X]
I.D. # _____ D.O.B. _____